

CALFRESH (CF) PROGRAM REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input checked="" type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 2/15/13	NEED RESPONSE BY: asap
2. REQUESTOR NAME:	6. COUNTY/ORGANIZATION: Marin	
3. PHONE NO.:	7. SUBJECT: Gross Income	
4. REGULATION CITE(S): MPP 63-502.2, 7 CFR 273.9(c)(1)	8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> NOTE: All requests must have a regulation cite(s) and/or a reference(s). 63-502.2; 7 CFR 273.9(c)(1)	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

The issue concerns a sum of money that is deposited into the claimant's paycheck by her employer (Legal Aid) and then automatically deducted and placed in a retirement fund. The claimant cannot access the monies until she meets retirement criteria. She can borrow against the retirement deposits but must repay any monies borrowed.

Is the retirement benefit that is deposited into the claimant's paychecks considered income to the claimant for purposes of determining her CalFresh gross income eligibility?

10. REQUESTOR'S PROPOSED ANSWER:

I am a retired annuitant ALJ assigned to review rehearing requests. I am interested only in ensuring that my review follows program's legal interpretations. The ALJ below counted the retirement benefit as income to the claimant. It could be argued that since the benefit is not presently available to the claimant, it should not be considered as part of her present gross income.

Please advise. A copy of the decision will be scanned and sent to you via separate email upon request.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Income Definition

MPP 63-502.11 states gross income shall include according to MPP 63-502.111 all income from whatever source, except as specified in Section 63-502.12 and excluding only those items in Section 63-502.2. All income per MPP 63-502.112 shall include all earned income as specified in MPP Section 63-502.13 and all unearned income as specified in MPP Section 63-502.14. A 403(b) pension contribution is not considered excluded from gross income.

FOR CDSS USE

DATE RECEIVED: 02/15/13	DATE RESPONDED TO COUNTY/ALJ: 02/19/13
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